



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERKS OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ OCT 22, 2019 ★

BROOKLYN OFFICE

YELENA LYSYAK,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

HOME ATTENDANT SERVICE OF HYDE  
PARK, INC. (d/b/a HOME ATTENDANT  
SERVICES OF HYDE PARK),

Defendant.

Case No.: 18 Civ. 259 (KAM) (JO)

STIPULATION AND <sup>(KAM)</sup> [PROPOSED] ORDER OF  
VOLUNTARY DISMISSAL PURSUANT TO  
F.R.C.P. 41(a)(1)(A)(ii)

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for all parties in this action that this matter shall proceed to arbitration before Martin F. Scheinman, Esq. under the following arbitration procedures described below:

- (1) The parties agree that all discovery procedures available under the Federal Rules of Civil Procedure will be available in the arbitration and that Mr. Scheinman will have the authority to resolve all discovery disputes;
- (2) All rulings previously made in this litigation will be the law of the case;
- (3) Specific to the facts present in this case and for resolution of the pending issues before the Court, the parties agree to hold arbitration on a class-wide basis; and
- (4) Defendant will pay all arbitration costs.

IT IS FURTHER HEREBY STIPULATED AND AGREED by the undersigned attorneys for all parties in the above-captioned action that all rulings by Mr. Scheinman shall be final and binding and that Plaintiffs' claims shall proceed to a trial/arbitration within 30-days from the date of this Court's entry of this stipulation and proposed order. The parties further agree that all Class Members will be promptly notified of the arbitrator's merits rulings and that any Class Member

that does not want to be bound by the arbitrator's ruling will have the opportunity to opt-out of the Class.

IT IS FURTHER HEREBY STIPULATED AND AGREED by the undersigned attorneys that they shall withdraw all pending motions, that all remaining deadlines in this action be stayed pending the dismissal of the pending action, and that the claims of Plaintiff Yelena Lysyak are hereby voluntarily dismissed without prejudice, pursuant to the Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: October 16, 2019

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Wittels Law, P.C.

Garfunkel Wild, P.C.

By: /s/ Steven L. Wittels  
Steven L. Wittels, Esq.  
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By: /s/ Salvatore Puccio  
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Dated: Oct 17, 2019 SO ORDERED:                     

/s/ USDJ KIYO A. MATSUMOTO

Hon. Kiyo A. Matsumoto  
UNITED STATES DISTRICT JUDGE

*The parties are directed to provide a copy of this Stipulation and Order to the arbitrator who shall conduct a review pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) of any settlement reached by the parties in this matter. Kam.*